

How I Got Pregnant: Should Having a Child Justify a Partner's 'Deception'?

RÉPONSE À - TRAVAIL CRÉATIF / RESPONSE TO - CREATIVE WORK

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Résumé

Ce commentaire est associé au travail créatif "How I Got Pregnant" de James Dwyer, une histoire qui soulève des questions éthiques concernant la demande d'une femme de bénéficier d'une assistance médicale pour tomber enceinte, sans avoir l'intention de le dévoiler à son mari. Dans ce commentaire, je défends l'idée que l'attitude de cette femme trompe la confiance de son conjoint et j'explique en quoi ses justifications, pour faire valoir sa demande de concevoir un enfant à l'insu de son mari, sont faibles.

Mots clés

reproduction assistée, déception, droit de la femme sur son corps, droit de savoir du partenaire

Summary

This is a commentary related to the creative work by James Dwyer entitled "How I Got Pregnant", a story that raises ethical issues about a woman's request for medical assistance to get pregnant without the intention to disclose this to her husband. In this commentary, I argue that this woman's attitude breaks trust with her husband, and show why the justifications she offered in order to argue for her request to conceive a child without her husband's knowledge are flawed.

Keywords

assisted reproduction, deception, women's right over her body, right-to-know of the partner

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Conflicts of Interest

Hazar Haidar is an editor at *BioéthiqueOnline* and currently the interim Case Studies section editor.

Introduction

In his creative work "How I got pregnant" [1], James Dwyer offers us an interesting short story about a woman's request for medical assistance to get pregnant. Helen, the main character, asked the doctor to try artificial insemination using a sperm donor while her husband was unaware. A discussion between Helen and her doctor raised the issue about her intention not to disclose anything to her husband. Helen decided to pursue her request. So, she got pregnant and delivered her long-awaited child, Francis. This rich story offers a complexity of ethical issues related to assisted reproductive technologies (ART), including among others, the concept and role of social parents, a woman's right over her own body, the right-to-know of the future child and deception.

As stated by Dwyer "the story shows that some common ethical ideas don't quite fit the characters' experience and the readers' reactions". As a reader, my first reaction was related to the issue of

deception. Why? Maybe because this particular issue raised little attention in the academic literature in the context of reproductive technologies or maybe because it is of great interest for me. But what I can say is that the first question that came to my mind was particularly related to this issue. I have wondered if having a child at all costs can justify deception.

In this commentary, I will try to answer this question by first arguing why I think that what Helen did involves deceiving her partner (since she thinks what she did is not deceptive) by referring to a definition of deception, and second, by providing some justifications that will be backed up by the principles of not lying and the calculation of consequences.

Should what Helen did be considered deceptive?

In this story, when the doctor asked Helen if she intended to tell her husband that she planned to try artificial insemination using a sperm donor, she replied: “No, there’s no need to. I’m not going to lie. I’m just not going to tell him.” and they had the following discussion:

“Do you think your plan is a bit deceptive?”

“I could go out and have an affair. That would be deceptive. There are enough men who want to sleep with me. Every time I wear a skirt and contact lenses to work, more men stop by my office. But I don’t want to sleep with another guy. I’m committed to my husband. I’m just tired of waiting. Besides, I told you, I’m not going to lie and I’m not asking you to lie.”

“I understand, we’re not going to lie to your husband, but I wonder if we’re deceiving him, if we’re hiding something from him.”

“So you think it’s deceptive?”

“I don’t know. I’ve never had a request like this before. I need some time to think about it.”

By referring to her statements, we can see that Helen considers deception as a physical action. According to her, deception is about the physical affair she would have with a man other than her husband. Even if that might indeed be deceptive, is deception only about a physical affair? Is it not also about a moral act?

One of many definitions provided in the literature about deception is to intentionally cause another person to have a false belief [2]. Additionally, both concepts of deception and lying seem to be related. According to some authors, “in addition to requiring an intention to deceive, lying requires the making of an untruthful *assertion*, as well as (or which therefore entails) a *breach of trust* or *faith*.” [3] By applying this definition to the current context, we could note that Helen is intentionally causing her husband to believe that his child is his genetically based on the fact that she has hidden her request for artificial insemination. However, this definition has several limits: for instance, some authors consider that deceiving might be inadvertent or mistaken [4,5], while others argue that deception cannot be an inadvertent act [6,7]. The present situation shows that Helen’s act is not mistaken but is intentional since she has thought-out, planned and pursued her decision to get pregnant, creating therefore a false belief that the child to be born is also her husband’s. By lying to her husband, Helen is deceiving him and based on the Kantian principle of not lying, Helen’s act would be considered morally wrong [8]. Additionally, taking a utilitarian approach and considering the harmful consequences of Helen’s conduct, her act of lying and deceiving could negatively influence Helen, her husband, the child Francis, as well as their family relationships. For instance, if Helen’s husband finds out about the way that their child was conceived, he might feel badly treated, manipulated and

deprived from his right to be informed about the pregnancy [9], which in turn could result in mistrust between the couple and even threaten their marriage. As for the child, an accidental discovery (such as a genetic test) revealing that his father is not his biological father might also affect him negatively. In addition to the psychological harm such as anger, confusion and the impact on Francis' self-esteem, he might also be confronted with the curiosity of obtaining information about his "biological" identity. Consequently, this might prompt him to search for his biological father, which could result in the disruption of his current family life [10]. Although this debate related to the "child's right to know" or "not to know about his genetic origins" falls outside the scope of this commentary, it is worth mentioning as a potential consequence for Helen's decision to hide the information related to this conception.

A woman's right to control her own body: between a decision to "terminate a pregnancy" and a decision to "get pregnant"

Another argument that I would like to discuss is related to a woman's right to control her own body [11]. This argument has been frequently associated with abortion debates in order to defend a woman's decision to terminate a pregnancy without the partner's permission or interference. In the current context and for the sake of justifying her position, Helen referred to this argument in order to compare her decision "to get pregnant" to the decision of terminating a pregnancy, exemplified by her statement: *"But don't you believe that women should be able to control their own bodies? Women can end a pregnancy without their husband's permission. Why can't they start one? Did I forfeit my rights when I got married?"* However, considering the pregnancy in the current context where both parents are planning to have a baby, is it right to treat as morally equivalent a decision to **terminate a pregnancy** without the husband's permission (based on Helen's right to control her own body) and a decision to **get pregnant** without the husband's knowledge?

If we assume that Helen's decision to terminate a pregnancy – where a foetus already exists – is defensible based on her right to control her own body, this argument seems to be weakened in the context of her decision to get pregnant, a situation where the foetus has not yet been conceived. Given that there was also a mutual plan between Helen and her husband to conceive a child, even if maybe a difference regarding the timing, should her husband not agree or/and at least have a say in decisions about other ways to become pregnant, such as recourse to artificial insemination using his sperm or that of a sperm donor? Further, the prospective father did not forfeit his rights to participate in the conception process when he got married and thus arguably has the right to be informed about the paternity of the child.

Moreover, Helen's right to control her own body does not cover her right to take a decision to get pregnant without her husband's knowledge; procreation is normally a two-person endeavour where the participation of both parents is required for conception. For this reason, I argue that the partner also has the fundamental right to decide if he agrees to a particular parental plan [8], e.g., such as having his own genetically related child or by being the social father. In either case, he would then also assume his responsibilities and obligations towards the child while being fully informed about the way that conception was performed and about the child's origin.

Finally, perception of parenthood differs among individuals: while there are couples that decide to not have children, there are also couples that consider parenthood to be a very precious thing. Any decision to procreate by a couple should be a mutual decision between both persons who agreed to assume responsibilities toward the child to be born. Helen is not justified in having a child by deceiving her husband. At a minimum, her husband has the right to know how the pregnancy was conceived and if he is the biological father of the child.

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